

1 JAMES HAWKINS APLC
JAMES R. HAWKINS, SBN 192925
2 GREGORY MAURO, SBN 222239
MICHAEL CALVO, SBN 314986
3 9880 Research Drive, Suite 200
Irvine, California 92618
4 Telephone: (949) 387-7200
Facsimile: (949) 387-6676
5 James@jameshawkinsaplc.com
Greg@jameshawkinsaplc.com
6 Michael@Jameshawkinsaplc.com

7 Attorneys for ALLSION BURCH individually and on
8 behalf of all others similarly situated

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 ALLISON BURCH, individually and on
12 behalf of all others similarly situated,

13 Plaintiffs,

14 v.

15 THE GEO GROUP, INC., dba GEO
16 CALIFORNIA, INC.; GEO
17 CORRECTIONS HOLDINGS, INC.;
and DOES 1 through 50, inclusive,

18 Defendants.
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Case No. 2:18-cv-09926-PSG-PLA

**DECLARATION OF GREGORY
MAURO IN SUPPORT OF MOTION
FOR RELIEF FROM LOCAL RULE
23-3**

Hearing Date: March 11, 2019

Time: 1:30 p.m.

Courtroom: 6A

Complaint Filed: Aug. 31, 2018
Case Removed: Nov. 27, 2018

Presiding Judge: Philip S. Gutierrez

DECLARATION OF GREGORY MAURO, ESQ.

1 I, Gregory Mauro, declare as follows:

2 1. I am an individual over the age of 18. I am an attorney duly licensed
3 to practice law before all courts of the State of California and all United States
4 District Courts in the State of California. I am counsel of record for plaintiff
5 Allison Burch ("Plaintiff") in the above-captioned matter. I submit this declaration
6 in support of Plaintiff's Motion For Relief From Local Rule 23-3. I have firsthand
7 knowledge of the facts set forth in this declaration and, if called to do so, could
8 testify competently to them

9 2. This motion is brought pursuant to Local Rule ("LR") 7-4 and is based
10 upon the notice of application, the memorandum of points and authorities, the
11 declaration of counsel, and the proposed order lodged concurrently herewith.

12 3. This case is still in the early stages of litigation. Plaintiff's original
13 state court class action complaint was filed on August 31, 2018 in the Los Angeles
14 County Superior Court (Dkt. No. 1-1) against Defendants for their alleged (1)
15 failure to pay minimum wages including overtime, (2) failure to timely pay wages,
16 (3) failure to provide accurate itemized wage statements, and (4) for unfair
17 competition. Upon filing the initial complaint, the State Court implemented an
18 automatic stay on all discovery.

19 4. On November 27, 2018, Defendants removed this Action, and
20 Plaintiff's current deadline to submit her Motion for Class Certification ("MCC")
21 pursuant to Local Rule 23-3 is **February 25, 2019** and has not yet expired.

22 5. As it currently stands, there will not be sufficient time to complete pre-
23 certification discovery and file a MCC by the filing deadline imposed by LR 23-3
24 of February 25, 2019. Therefore, good cause exists for the relief sought herein.

25 6. Unlike other motions that could be brought prior to conducting
26 discovery, a MCC requires obtaining evidence outside the pleadings. This case is
27 no exception, as it alleges violations of California's wage and hour laws, which are
28 certified only after substantial discovery, the most time-consuming of which

1 includes class member interviews and a statistically-relevant sampling of
2 documents (*e.g.*, time sheets and wage statements).

3 7. Due to the filing deadline imposed by LR 23-3, Plaintiff is unable to
4 complete meaningful discovery in support of his MCC.

5 8. In a typical wage and hour class action, it takes approximately one
6 year from the date that discovery commences to file a well-briefed motion for
7 certification. Although the specific evidence submitted in support of certification is
8 different in each case, controlling case law will require submitting the following
9 four general types of evidence, which I refer to as “pre-certification” discovery: (1)
10 written policies and procedures concerning, for instance, compensation policies,
11 etc.; (2) sampling of time sheets and wage statements, which is then analyzed by
12 expert witnesses who prepare expert witness reports to establish predominance of
13 common questions; (3) deposition testimony of the employer’s designee(s); and (4)
14 declarations from class members.

15 9. Here, Plaintiff’s action seeks to certify several causes of action on
16 behalf of himself and all similarly situated non-exempt California employees. In
17 order to support his application and allow this Court to make determinations as to
18 FRCP Rule 23 certification requirements, the Plaintiff is diligently preparing for
19 discovery and intends on propounding various discovery devices, to seek, without
20 limitation, contact information related to the identities of putative class members,
21 employees’ time records, employees’ wage records, and any and all policies and
22 procedures governing putative class members' employment.

23 10. After production of policy documents by Defendant, Plaintiff will take
24 30(b)(6) depositions. Although the number of designated corporate representatives
25 varies case by case, the number of representatives is generally approximately two or
26 more witnesses, typically representatives from the human resources and payroll
27 departments. Further, it can take significant time to schedule these depositions due
28 to scheduling issues amongst the parties and deponents.

